IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 54/2006
SMT. SUDHA SHARMA Vs. STATE OF RAJASTHAN

Date of order: 09.04.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Rakesh Kumar for the accused-petitioner.
Mr. B.S. Chhaba, Public Prosecutor for the State.

****

The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the accused-petitioner against the order dated 05.01.2006 passed by the Special Judge, Women Atrocities & Dowry Cases, Jaipur City, Jaipur in Sessions Case No. 77/2004, whereby the Court below has framed charges against the accused-petitioner for the offences under Sections 498-A, 304-B and 406 IPC.

Learned counsel for the accused-petitioner submits that the police has not been able to collect the evidence against the petitioner for an offence under Sections 498-A, 304-B and 406 IPC as in the FIR there is an allegation against the husband of deceased namely Mrinal that he is having relation with another lady and the petitioner is not at all concerned with the same. Further there is an allegation that due to the extramarital relation of the husband of the

deceased, she commits suicide and in these circumstances, the charge framed by the Court below for the offence under Section 304-B IPC is not made out against the accused-petitioner.

It is also submitted that the son of the petitioner was living in Ajmer along with deceased and the deceased left her matrimonial house on 10.05.2004 whereas she committed suicide on 03.06.2004, almost 23 days in her parental house, therefore, in these circumstances, the offence for which the petitioner is languishing in jail and the trial Court framed the charge against her, is liable to be quashed and set-aside.

It is further contended by the learned counsel for the petitioner that there must be existence of a proximate and live link between the effect of cruelty based on dowry demand and the death concerned. If the alleged incident of cruelty is remote in time and has become state enough not to disturb the matrimonial equilibrium of the woman concerned, it would be of no consequence.

I have heard learned counsel for the accused-petitioner, learned Public Prosecutor for the State and have also gone through the impugned order dated 05.01.2006 passed by the trial Court.

The trial Court has considered each and every aspect while framing charges against the accused-petitioner for the offences under Sections 498-A, 304-B and 406 IPC and the circumstances reveal that the petitioner-mother in law of the deceased had demanded dowry and tortured the deceased also, which is corroborated by the letter and the diary written by the deceased. In such circumstances, prima-facie case is made out against the accused-petitioner and this is not a stage to appreciate the evidence.

At this stage for framing charge against the accused, it is only to be seen by the trial Court whether prima-facie case is made out or not, and as the trial Court has arrived at a conclusion that prima-facie case is made out against the accused-petitioner, therefore, charges have rightly been framed against the accused-petitioner for the offences under Sections 498-A, 304-B and 406 IPC and I do not want to interfere in the impugned order dated 05.01.2006 passed by the Special Judge, Women Atrocities & Dowry Cases, Jaipur City, Jaipur.

Consequently, the revision petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

/KKC/